IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 29862 of 2007(E)

PETITIONER:

SHOBANA,D/O. MADASWAMY,
AGED 31 YEARS, SAKTHI ILLAM,
MUNNAR P.O., IDUKKI DISTRICT.

BY ADV. SRI.N.M.VARGHESE
SRI.ROY THOMAS

RESPONDENTS:

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1. STATE OF KERALA TO BE REPRESENTED BY
THE SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, IDUKKI DISTRICT
COLLECTORATE, KUYILIMALA,IDUKKI.

3. SUB COLLECTOR, DEVIKULAM.

4. TAHSILDAR, DEVIKULAM TALUK,
DEVIKUKLAM, IDUKKI DISTRICT.

5. VILLAGE OFFICER,
KANAN DEVAN HILLS VILLAGE,
DEVIKULAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 29862/2007

Dated this the 19th day of October, 2007

JUDGMENT

The petitioner who has purchased a property in terms of Ext.P1 has approached this Court on account of the refusal of the respondent to accept the Basic tax. It is seen that the petitioner has produced in support of her contention, the non encumbrance certificate, Ext.P3 receipt for payment of tax for the previous year and also evidence of receipt of amounts towards additional stamp duty. Despite all these, it is contended by the petitioner that the tax is not accepted by the respondents now, although the property stands in the name of the petitioner and mutation has also been effected.

2. I see no justification for the respondents to refuse acceptance of basic tax. If any suit is pending between private parties that is a matter to be decided between them and the State need not await for its outcome for acceptance of tax which cannot cause any prejudice to the litigants.

3. Therefore, I dispose of this writ petition with a direction that the request made by the petitioner in

Ext.P7 before the second respondent shall be considered and orders thereon passed in the light of what is stated above.

ANTONY DOMINIC
Judge

mrcs